

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction the within named, MARY E. McALISTER, who after being duly sworn, deposed and said:

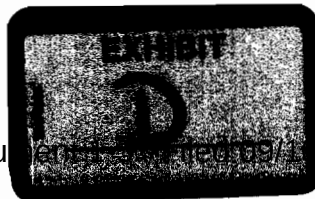
1. My name is MARY E. McALISTER. I am counsel for Plaintiffs Thomas C. McIntosh and Pamela McIntosh in the matter styled *Thomas C. McIntosh and Pamela McIntosh vs. State Farm Fire & Casualty Company et al*, Civil Action No. 1:06-cv-1080 LTS RHW, pending in the United States District Court for the Southern District Court of Mississippi, Southern Division.

2. I have personal knowledge of the matters set forth in this Affidavit.

3. On August 30, 2007, I traveled to Raleigh, North Carolina, for the purpose of inspecting and copying electronic information on two (2) computers in the possession, custody and control of Robert K. Kochan, and located at 3401 Atlantic Avenue, Suite 100, Raleigh, North Carolina, the business office of Robert K. Kochan.

4. A computer technician, retained by me for the purpose of inspecting and copying the electronic information from the computers on the premises as set forth in the subpoena, also traveled to Raleigh, North Carolina, from Albuquerque, New Mexico, and met me in Raleigh on August 30, 2007.

5. The next day, I along with the computer technician appeared at the aforesaid Robert K. Kochan's office to inspect and copy the electronic information called for in the subject subpoena.



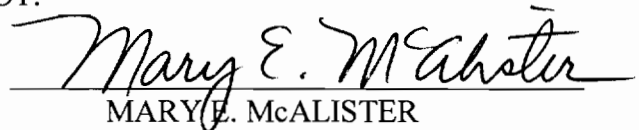
6. On the date and time fixed for performance under the subpoena, August 31, 2007, at 9:00 AM, Robert K. Kochan denied access to the subject computers, informing us that his attorney had obtained an order “squelching” the subpoena.

7. Notice of the subject subpoena had been given to Mr. Kochan’s counsel sixteen (16) days prior to our appearing at Mr. Kochan’s office in Raleigh, North Carolina, on August 31, 2007, for the purpose of inspecting and copying the electronic information.

8. At no time during the period from August 13, 2007, (the date of issuance and prior notice of the subject subpoena), and August 30, 2007, (the date of my travel from Mississippi to North Carolina) was there any written objection to the subject subpoena served on me or any other counsel in the underlying *McIntosh* case.

9. A true and correct statement of the costs, expenses and attorney time expended in connection with the issuance of the subject subpoena is attached and incorporated by reference to this Affidavit.

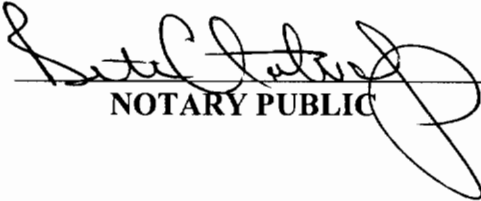
FURTHER, AFFIANT SAYETH NOT.


MARY E. McALISTER

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction,
MARY E. McALISTER, who acknowledged to me, after being first duly sworn, that the matters and
facts set forth are true and correct to the best of her knowledge, information and belief.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 5th day of September
2007.



NOTARY PUBLIC

My Commission Expires:



Time, Expenses and Travel Costs of Mary E. McAlister
(Receipts attached)

| | | |
|-----------------------------|--|-------------------|
| 08/30/07 | Travel from Ridgeland, Mississippi to Raleigh, N.C., 4 hours @ \$250 per hour | \$1,000.00 |
| | Private plane charter (roundtrip from Jackson, MS to Raleigh, North Carolina, 7.2 hours @ \$200.00 per hour); | 1,440.00 |
| | Private pilot, per roundtrip charter | 200.00 |
| | Rental Car, Hertz | 103.57 |
| | Hotel | 301.49 |
| | Meal | 10.13 |
| 08/31/07 | Travel from hotel to FAEC office; brief meeting with R. Kochan; travel to hotel, telephone conferences with co-counsel; receipt/review of R. Kochan's Objections to Subpoena Duces Tecum via fax; travel to Jackson, MS 8 hours @ \$250 per hour | 2,000.00 |
| | Commercial flight, Delta Airlines | 884.80 |
| | Meals | <u>43.46</u> |
| TOTAL FEES AND COSTS | | \$5,983.45 |

Marriott.
RALEIGH
CRABTREE VALLEY

For questions regarding this folio,
 please call Marriott Business Services
 toll-free 1-866-435-7627.

4500 Marriott Drive
 Raleigh, North Carolina 27612
 (919) 781 7000
 Marriott.com/RDUNC

GUEST FOLIO

674 MCALISTER/MARY

109.00 09/01/07 12:00

9495

ROOM NAME

RATE

DEPART

TIME

ACCT#

NCKG

08/30/07 23:58

TYPE

ARRIVE

TIME

24

PASSPORT:
BKXXXXXXXXXXXX5957

NR#:

**ROOM
CLERK**

ADDRESS

PAYMENT

| DATE | REFERENCE | CHARGES | CREDITS | BALANCE DUE |
|-------|-----------|----------|---------|-------------|
| 08/30 | ROOM | 674, 1 | 239.00 | |
| 08/30 | ROOMTAX | 674, 1 | 16.13 | |
| 08/30 | OCCTAX | 674, 1 | 14.34 | |
| 08/31 | GRILL | 8435 674 | 32.02 | |

301.49

EXP. REPORT SUMMARY

08/30 ROOM&TAX

269.47

08/31 GRILL

32.02

Marriott.
RALEIGH
CRABTREE VALLEY

4500 Marriott Drive
 Raleigh, North Carolina 27612
 (919) 781 7000
 Marriott.com/RDUNC

This statement is your only receipt. You have agreed to pay in cash or by approved personal check or to authorize us to charge your credit card for all amounts charged to you. The amount shown in the credits column opposite any credit card entry in the reference column above will be charged to the credit card number set forth above. (The credit card company will bill in the usual manner.) If for any reason the credit card company does not make payment on this account, you will owe us such amount. If you are direct billed, in the event payment is not made within 25 days after check-out, you will owe us interest from the check-out date on any unpaid amount at the rate of 1.5% per month (ANNUAL RATE 18%), or the maximum allowed by law, plus the reasonable cost of collection, including attorney fees.

Signature X

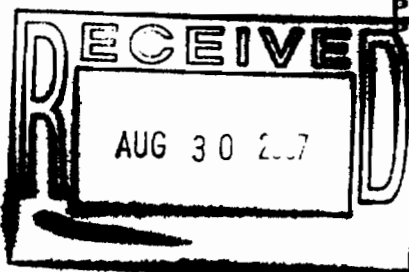
112688DUPLICATE RECEIPT

PAGE NO. 1

MR: 1P-72VVRC

K-BH/3CL BK-BH/3CL

DAVID MUTT AND ASSOCIATES
ANGELIA HOGAN
805 CRESCENT BLVD
RIDGELAND MS 39157



NAME : MCALISTER/MARY

DATE
30AUG07

* ELECTRONIC TICKET * POSITIVE IDENTIFICATION REQUIRED AT CHECK-IN
**REQUEST TERMS/CONDITIONS OF TRAVEL AND CARRIER LIABILITY NOTICES FROM
TRAVEL AGENCY OR THE TRANSPORTING CARRIER.**

ISSUED BY-THE TRAVEL PROFESSIONALS RIDGELAND MS

| CO | DATE | CITY-AIRPORT | TIME | FLIGHT NBR/CLASS | ST SERV/AMNT |
|------|-------|--------------------------------|------|------------------------------|--------------|
| H TH | 30AUG | HARRIOTT CRABTREE VALLEY RALEI | | CHECK IN- 30AUG THU/1500 | |
| | | 4500 HARRIOTT DRIVE | | CHECK OUT-31AUG FRI/1200 | |
| | | RALEIGH NC US 27612 | | GUARANTEED TO CREDIT CARD-VI | |
| | | PHONE-9197817000 | | FREE SHUTTLE SERVICE | |
| | | FAX-9197813059 | | | |
| | | CONF-84021064 | | | |

RATE GUARANTEED-USD

CONCIERGE ROOM 1 KING OR 2 DOUBLE BEDS

RATE INFO-239.00

CANCEL RQRMTS-CANCEL PERMITTED UP TO 6PM DAY OF ARRIVAL

HOTEL TIME. 289.47 CANCEL FEE PER ROOM.

PERSONS INCLUDED IN RATE-1

| | | | | | |
|------|-------|-------------------|------|----------------------|----------|
| A FR | 31AUG | LV RALEIGH/DURHAM | 130P | DELTA | 1607F OK |
| | | AR ATLANTA | 256P | BAGS ALLOWED- 2PIECE | STOP 757 |
| | | | SEAT | 04-D **RESERVED** | |
| | | | | MCALISTER/MARY | |
| A FR | 31AUG | LV ATLANTA | 400P | DELTA | 515F OK |
| | | AR JACKSON MISS | 425P | BAGS ALLOWED- 2PIECE | STOP M80 |
| | | | SEAT | 04-D **RESERVED** | |
| | | | | MCALISTER/MARY | |

TICKET NUMBER(S):
SERVICE FEE MCO:

E0067175349551
8908101006559

| | |
|----------------|--------|
| AIR FARE | 771.16 |
| TAX | 78.64 |
| TOTAL AIR FARE | 849.80 |
| SERVICE FEE | 35.00 |
| AMOUNT CHARGED | 884.80 |

THIS AMOUNT WILL BE CHARGED TO CREDIT CARD: VI XXXX XXXX XXXX 5957

AFTER HOURS CALL 800-628 6668/CODE P3CL

800AM-500PM-CALL 800 844-8159

FAX NUMBER 601-898-8267

*****CONFIRMATION RSRBE*****

THANK YOU FOR YOUR BUSINESS

(CO)DE: A-AIR H-HOTEL C-CAR T-TOUR S-SURFACE V-OTHER TRVL SERVCS
(ST)ATUS: OK-CONFIRMED WL-WAITLIST RQ-REQUESTED NS-NO SEAT SA-STANDBY
(CO)DE: A-AIR H-HOTEL C-CAR T-TOUR S-SURFACE V-OTHER TRVL SERVCS
(ST)ATUS: OK-CONFIRMED WL-WAITLIST RQ-REQUESTED NS-NO SEAT SA-STANDBY



#01PN RR M36047653

CC

MEGAN MACALLISTER

VEHICLE 01898/1713064

CLS YC 07MLAN LIC: MD2CYW16

FUEL: 8/8 OUT 8/8 IN

CDP: 1458479-PIEDMONT HAWTHORNE PASS RA

RES D7582898181/MCLD /C

PREPARED BY: 3160/NCRAL12

COMPLETED BY: 1251/NCRAL11

RENTED: 08/30/07 21:00 @ RALEIGH

RETURN: 08/31/07 18:50 @ RALEIGH

| | | | |
|---------------|-------|---------------|---|
| PLAN IN: | CNVD | RATE CLASS: | C |
| PLAN OUT: | CNVD | | |
| MI LEAGE IN | 10343 | TR-X MILES | |
| MI LEAGE OUT | 10307 | MILES ALLOWED | |
| MI LES DRIVEN | 36 | MILES CHARGED | |

| | | | |
|---------------------------------|-------------------------------------|-----|--------|
| DAYS | 1 @ \$ 49.00 / DAY | \$ | 49.00 |
| SUBTOTAL | | T\$ | 49.00 |
| VEHICLE LICENSING COST RECOVERY | .71% | T\$ | .35 |
| DW | ACCEPTED @ \$ 24.99 DAY | T\$ | 24.99 |
| IS | ACCEPTED @ \$ 12.95 DAY | \$ | 12.95 |
| PAI, PEC | ACCEPTED @ \$ 5.50 DAY | \$ | 5.50 |
| TAX | 14.500 % ON TAXABLE TTL OF \$ 74.34 | \$ | 10.78 |
| CHARGED ON VISA | XXXXXXXXXXXXX8957 | \$ | 103.57 |
| RENT FP VISA | XXXXXXXXXXXXX5957 | | |

✓ CHARLEY'S GRILLED SUBS

| | |
|---------|------|
| #283 | OUT |
| 1 STEAK | 4.79 |

| | |
|------|------|
| TXTL | .34 |
| TOTL | 5.13 |
| CASH | 5.13 |
| CHNG | .00 |

THANK YOU FOR VISITING!

CSHR 5

0377 19:10 #05 AUG.31'07 REG0002

HOW WAS YOUR EXPERIENCE?
WE'D LIKE YOUR FEEDBACK.

) Visit WWW.HERTZSURVEY.COM

!) Enter Access Code: 01870

!) Take Brief 4 Question Survey

STATEMENT OF CHARGES - NOT VALID FOR RENTAL

***Tavola Rossa ***

5300 Homewood Banks Dr.

Raleigh, NC 27612

Phone# (919) 532-7100

13 Lynn C

Tbl 25/1 Chk 1495 Gst 2
Aug31'07 12:46PM

| | |
|--------------------------|--------------|
| 1 Wild Fld Grns | 5.00 |
| PUTANESCA | |
| 1 OPEN FOOD Add 5 Shrimp | 17.00 |
| 1 Fr Calamari | 8.00 |
| 2 A WATER | 0.00 |
| Subtotal | 30.00 |
| Tax | 2.33 |
| 01:20 Total | 32.33 |

Thanks & Please Come Back!

***Tavola Rossa**

5300 Homewood Banks Dr.

Raleigh, NC 27612

Phone# (919) 532-7100

Date: Aug31'07 01:22PM

Card Type: Visa

Acct #: XXXXXXXXXXXX5957

Exp Date: 05/08

Auth Code: 012095

Check: 1495

Table: 25/1

Server: 13 Lynn C

Ref Number: 724317755603

MARY E MCALISTER

Subtotal: 32.33

Gratuity: 6.00

Total: 38.33

Signature

I agree to pay above total
according to my card issuer
agreement.

**** Guest Copy ****

SHANGHAI EXPRESS

CHINESE RESTAURANT

2502 Hillsborough Street, Raleigh, NC

Tel: (919) 754-9797 Fax: (919) 754-9758

Delivery

Date: 08-30-2007 Time: 12:25AM # 52

Phone: 919.781.7000.

Addr: 4500 MARRIOTT DR.

Name: ROOM 674

Dir: MARRIOTT HOTEL ACR

055 CRABTREE

Delivery Charge 1.00

雲吞湯 (小)

Wonton Soup (P1) 1.50

C1 左宗雞

白飯 春卷

C1 Oriental (30's) Chicken 6.25

White Rice

Egg Roll

AMOUNT: 9.45

TAX(8%): 0.68

TOTAL: 10.13

Thank you very much.

ABACO HOLDINGS, LLC

P. O. BOX 200
RIDGELAND, MS 39158
601-898-7306

September 5, 2007

To: Nutt & McAllister, LLP

INVOICE:

| | | |
|----------------------------------|---------|------------|
| 8/30/07 to and from Raliegh, NC | 7.2 hrs | |
| Total @ \$200 per hour | | \$1,440.00 |
| Pilot charge from Langley Nelson | | 200.00 |
| | | ----- |
| Total | | \$1,640.00 |
| | | ===== |

Ernie Coward